

Why Won't Rusesabagina's Supporters Recognize the Humanity of his Victims?

I had no intention of writing again on this ongoing case of Mr Paul Rusesabagina and others, but since his family and supporters are interested in keeping it on the front burner of the media, I guess we should all help them to achieve it. Honestly, I have not seen a day pass without a statement made about this case from Lantos Foundation (an organisation that gave Rusesabagina a human rights prize in 2011), the Lampe Strategic Communications Firm (run by Paul Rusesabagina's communications strategist Kitty Kurth), a family member, or an American/European parliamentarian. With this media attention coupled with the fact that Rwandan courts decided to livestream this case, one can arguably state that the trial of Rusesabagina will serve as evidence of the contradictions, double standards and contempt underlying western assaults on African institutions, in general, and Rwanda's, in particular, thus reinforcing the idea that indeed "Quod licet Iovi, non licet bovi" (what is permissible for Jupiter may not be permissible for a bull).

In the context of endless information sharing and attention seeking, it would be pointless to return to some of the basics of the case because I think they've been exhaustively discussed. First, I will not go back to the issue of whether Paul Rusesabagina was kidnapped or lured into a trap of arrest. In truth, Rusesabagina's supporters confuse the two, but they shouldn't. Moreover, while "tricking a suspected criminal" may be considered by a few as not ideal, there is enough legal doctrine, [precedents](#) and literature, at both national and international levels, which support luring elusive suspects of serious crimes into arrest. The existence of such precedents, yet again, speaks volumes of the double

standards that characterise western critics' views on African governments—views that they defend unashamedly. Second, I will not discuss allegations of torture, cruelty, inhuman or degrading treatment as claimed by Rusesabagina's defenders because I am not too naive to assume that Rwandan officials are blind to the fact that this is a high-profile case, which attracts the strictest scrutiny at every step of the process. Third, whether he is a Belgian/EU national or a US resident or not is inconsequential to the territorial jurisdiction of the country where the alleged crimes were committed.

I would, however, like to focus on a contradiction that pervades almost all the statements and campaigns from those advocating the release of Mr Paul Rusesabagina, which makes it difficult to know what these advocates stand for. To illustrate, let me take one statement. On 4 May 2021, at the request of an unnamed interested party, the President of the European Bars Federation, Dominique ATTIAS, issued a letter 'demanding the Rwandan authorities that [Rusesabagina be given] the right to be assisted by a lawyer of his own choice and to a fair trial with all guarantees before an impartial court, and recalling the legal principle of presumption of innocence.' Paradoxically, in the same letter, she 'argues for an immediate release and safe return of Mr Paul Rusesabagina, to his home to be reunited with his family.' Certainly, this presumably kind-hearted lawyer is entitled to requesting anything, but she ought also to know that she cannot get both at the same time: she cannot have her cake and eat it. Dominique ATTIAS should choose between due process and immediate release. Whereas due process is an outcome of a court process, the immediate release is political in nature. This leaves me wondering whether the European Bars Federation, which she represents, is an organisation of lawyers or politicians. Moreover, I would argue that calling for the immediate release of a suspect outside a court process does not contribute to the judicial independence that we all seek to achieve. I implore Rwandan authorities to resist this

manipulation because it would undermine our hard-earned rule of law.

I understand that talking of the rule of law in Rwanda to these critics sounds ironical because that is the first thing they claim does not exist. There is a recurrent narrative that, in Rwanda, fair trial standards are often compromised in 'sensitive political cases, in which security-related charges are often used to prosecute prominent government critics.'

Assuming this was true, continuing to undermine the supposedly little judicial independence that Rwanda has worked hard to earn can never be the best solution. To take this argument a little further, if we are to use a deductive approach, it is the critics' point of view that Rwandan courts are impartial and independent when it comes to cases that do not involve charges related to security. This is a significant achievement. Nonetheless, because the majority of cases handled by Rwandan courts are not related to security (which suggests that due judicial processes are followed in such cases), I think that, if anything, more efforts should be dedicated to strengthening, instead of undermining, those gains.

But we know for a fact that Rusesabagina is not prosecuted for merely being a critic of the government of Rwanda. We also know that all states deal with cases related to security. It would therefore be outrageous if a state accepted to be intimidated into not prosecuting suspects of security-related crimes. It would mean that such a state has forfeited its primary responsibility of providing order and security to its people, which would significantly weaken state legitimacy since the latter depends, to a large extent, on the state's ability to provide order and security to its citizens. Rwanda is no different; it is not the state of nature where anarchists are free to do whatever pleases them. Neither are Rwandans lotus-eaters. Citing Dahl and Lindblom, David A. Baldwin in his 'Concept of Security' notes: 'Men are not

lotus-eaters.’ In Greek mythology, lotus-eaters were a race of people living on an island dominated by lotus plants, and those people depended on fruits and flowers of those plants which had narcotics that caused them to sleep peacefully. This is not to say that Rwandans are dangerous either. They are not different from other people; they are capable of being both kind and cruel. Just like other people, Rwandans keep working on themselves to avoid anything that would return them to the dark times, and westerners should know well what it takes because they have been there before us. When Nazis killed Jews many decades ago, the West took several measures to remedy the damage, including denazification and banning anything related to the Nazi ideology; they also adopted laws criminalising antisemitism and the denial of the holocaust, among others. Yet, the same legal processes to prevent the recurrence of similar crimes in Africa are condemned as if to suggest that when genocide happens in our midst (Africans), it is simply the result of tribal hatred amongst “savages”. In other words, the suggestion is that there was no ideology – something too sophisticated for the African mind – underlying the genocide against the Tutsi and its denial. This is as contemptuous as it is untrue, and it must be denounced.

Let us re-establish some known facts: Mr Paul Rusesabagina is a critic of the Rwandan government, and yes, he was lured into arrest. But Paul Rusesabagina is not only that. He is also the founding member of *le Mouvement Rwandais Pour le Changement Démocratique* (MRCD), whose military wing, the *Front de Liberation Nationale* (FLN), attacked Rwanda, killing 9 civilians and destroying properties. Even if this does not serve as enough evidence, we can at least agree that there is a *prima facie* case against him. I am simply saying that Paul Rusesabagina, just like anyone, is capable of being kind or cruel, saying the truth or lying. A judge in the City of Westminster Magistrates’ Court had this to say about Mr Paul Rusesabagina, as an expert witness in the case between *the Government of the Republic of Rwanda v. Vincent Bajinya and*

others. The judge observed in paragraph 428 that: 'He was not independent. He is clearly a very strong opponent of the present regime, even going so far as to suggest that it was responsible for the genocide, and making other wild and exaggerated claims.'

Once again, this is not to say that Mr Paul Rusesabagina is guilty of terrorism or not, even if he clearly trivialises the genocide against the Tutsi and is a proponent of the ideology that Rwanda is denied the right to criminalize. I am simply requesting that we give the ongoing judicial process a chance to run its course. It is good that we can invoke the existence of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), but it is equally important to acknowledge that the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power requires states to treat victims of crime with compassion and respect for their dignity and to provide them with justice, truth, restitution, compensation and assistance. And this is exactly [what Rwanda is doing](#)! But to recognize the right of an African country to pursue justice for, and to treat with compassion, [victims of terrorism](#) with compassion also requires that Rusesabagina's supporters acknowledge the humanity of these victims in particular and African victims in general.